

PATENT
Attorney Docket No. 08806.0179-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Reinhold BUCK et al.) Group Art Unit: 1797
Application No.: 10/539,409) Examiner: Marjorie E. Christian
Filed: June 17, 2005) Confirmation No.: 4997
For: PERM SELECTIVE ASYMMETRIC)
HOLLOW FIBRE MEMBRANE)
FOR THE SEPARATION OF)
TOXIC MEDIATORS FROM)
BLOOD)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Office the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed non-patent literature documents are attached. Copies of the U.S. patent, and office actions from any co-pending applications, are not enclosed as they are available on the Image File Wrapper on PAIR. See M.P.E.P. § 609.04. The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v.*

Total Containment, Inc., 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed substantive office actions from co-pending applications on the attached form PTO-SB-08.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2009

By: Kimberly D. Smith
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